

For:

Introduction 8/5/19

Referral to Planning Commission: \_\_\_\_

Planning Commission Review: \_\_\_\_

Public Hearing \_\_\_\_

Adoption \_\_\_\_

## **THE TOWN OF MOUNT AIRY, MARYLAND**

### **ORDINANCE NO. 2019-11**

#### **AN ORDINANCE TO AMEND PART II OF THE CODE OF THE TOWN OF MOUNT AIRY ENTITLED "GENERAL LEGISLATION," CHAPTER 112 ENTITLED "ZONING," BY AMENDING ARTICLE II ENTITLED "GENERAL REGULATIONS", SECTION 112-11 ENTITLED "SIGNS"**

**WHEREAS**, the Town Council has determined that it is in the best interests of the Town of Mount Airy to amend Part II of the Town Code, Chapter 112, Article II, Section 112-11 in order to update provisions governing permanent and temporary signs that are permitted on private property in the Town of Mount Airy, and in order to comply with *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015) by setting content neutral restrictions on the placement, design and size of signs; and

**WHEREAS**, the Town enacts this signs ordinance in order to promote the aesthetic and environmental values of the Town within its limits, in order to avoid sign "clutter", in order to protect public investment in, and the character and dignity of, public buildings, streets and open spaces within Town limits, and in order to promote the safety and welfare of its residents by reducing hazards for pedestrians and motorists on or near roads within the Town by reducing potential for distraction or impairment of sight lines, thereby potentially reducing the time, effort and cost of emergency response by the Town's police and volunteer fire departments; and

**WHEREAS**, pursuant to Section 112-67, the Town Planning Commission approved recommendation of this proposed ordinance at its June 19, 2019 meeting, the Town Planning Commission having drafted this ordinance and recommended its passage to the Town Council; and

**WHEREAS**, pursuant to Section 112-66, the Town Council held a public hearing and received public comment on this ordinance on \_\_\_\_\_, 2019, before its enactment.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:**

Section 1. That the Code of the Town of Mount Airy is hereby amended to repeal and reenact with amendments Part II, Chapter 112, Article II, Section 112-11 of the Code as follows:

## **§112-11. Signs.**

A. Scope and purpose. It shall be the purpose of this ordinance to govern the approval, placement, display, size and design of temporary and permanent signs located on private property within the Town limits. This ordinance shall apply to signs approved and/or lawfully placed or displayed on or after the effective date of this ordinance, which is \_\_\_\_\_, 2019. The version of this ordinance as it existed prior to the effective date of this ordinance, last amended pursuant to Ordinance 2017-6 on or about June 5, 2017 shall govern the approval, placement, display, design, size and other restrictions on signs which were approved by the Zoning Administrator and lawfully placed prior to the effective date of this ordinance .

B. Definitions. The following words have the following definitions for the purposes of this Section:

**BANNERS** – A type of temporary sign of lightweight fabric or similar material that is attached to a building or other structure erected for a purpose other than holding or displaying the banner. The term “Banner” does not include feather flag signs.

**BEACON** - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

**BUILDING UNIT** - A building unit is equivalent to the tenant space.

**FEATHER FLAG SIGN** - A free standing temporary sign typically constructed of a single plastic or metal shaft driven in the ground with an attached pennant that is vertically elongated and attached to the shaft.

**FLAG** - A device generally made of flexible material, usually cloth, paper or plastic, typically used as a symbol of a government, school, or religion, and not containing a commercial message. The term “Flag” does not include feather flag signs.

**FLASHING SIGN** - A sign, where the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects.

**INFLATABLE SIGN** - Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

**LIVING OR HUMAN SIGN** – A sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product.

**MARQUIS/MONUMENT SIGN** – A permanent sign at the entrance to a commercial, office park or industrial complex listing the businesses in the park or complex.

**PENNANT, STREAMER** - Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

**PERMANENT SIGNS** – Signs that are permanently attached or designed to be permanently attached to real property as fixtures, the ground, a building, pole, staff or other permanent support anchored to a building or into the ground.

**POLE BANNER** – Banners affixed to light, street or utility poles.

**PORTABLE SIGN** – A type of commercial sign that is not permanently attached or designed to be permanently attached to the ground, a building, or a pole or other temporary or permanent support. This includes a sign that is, or is designed to be, mounted on wheels or built to roll or slide or to be moved including sandwich boards.

**PRIMARY FRONTAGE** - The linear distance along which a lot line adjoins a public street right-of-way. The “Primary Frontage” of a corner lot, or through lot, is the street with the highest functional street classification or longest street frontage if functional street classification is the same. If the street is a frontage road, the functional classification of the road which the frontage road fronts shall be used to determine maximum sign face area. The primary frontage shall be considered the portion of any frontage containing the primary public entrance to the building or building units.

**PROJECTED IMAGE SIGN** - A type of sign that is a form of electronic display that projects images onto a screen or other flat surface, including LCD and plasma displays.

**SECONDARY FRONTAGE** – Those frontages containing secondary public entrances to the building or building units facing a public street or primary parking area that are not designated as the Primary Building Frontage or shall include those frontages facing a public street that are not designated as the Primary Building Frontage.

**SPONSORSHIP SIGNS** - A sign which displays advertisement for sponsors of any event or facility, such as an athletic event or field, on the location where the sign is located.

**TEMPORARY SIGNS** - A sign that is not permanently attached or designed to be permanently attached to the ground, a building, or a pole staff or other permanent support anchored to a building or into the ground, includes a Banner Sign and a sign that is affixed to a stake or rod driven into the ground without other any other anchor, such as concrete, includes a sign that is cardboard, paper or which is laminated, but does not include Portable Signs.

C. Signs, general provisions.

- (1) No overhanging sign shall extend ~~over any building line more than four feet beyond the plane that runs parallel with, and is four feet out from, the building façade.~~ Measurement from the building façade shall begin from the edge of the front exterior structural wall and not from any ornamental extension thereto.
- (2) All signs on and in front of the building shall be immobile, nonflashing, and in no way resemble traffic signals or other warning devices. They may be lighted indirectly or from within. Illuminated signs shall be so constructed as to avoid glare or reflection on any portion of an adjacent highway or residential building.
- (3) All freestanding signs shall be subject to 1/2 the setback requirements for the district in which located and shall be so located and shall be so placed as to allow clear and ample visual sight lines for driveways leading into a street and at intersecting streets and alleys.
- (4) In no case shall any sign attached to a building project more than three feet above the roof line.
- (5) A freestanding sign shall not exceed 25 feet in height above the average grade of the road on which it faces.
- (6) The area of a ~~billboard or other~~ sign shall be the product of its greatest horizontal and vertical dimensions measured over its entire face including background and borders, but excluding supports; provided that where a sign consists only of lettered, figured, pictorial matter, device or representation applied directly to the surface of a building, without special background or border, then its area shall be determined by measuring the overall length and height of the lettering or other matter.
- (7) Nonconforming signs may continue to exist but must be brought into conformance with any change in size or location previously approved by the Zoning Administrator or Planning Commission.
- (8) A V-shaped sign shall be considered as one sign, so long as the interior angle does not exceed 30°. Such sign shall not be located within 200 feet of a principal building on an adjoining lot.
- (9) Prohibited Signs and Devices: Unless expressly permitted elsewhere, the following signs and devices are specifically prohibited:
  - (a) Abandoned or dilapidated signs

- (b) Beacon/Searchlight
  - (c) Billboards, stationary or mobile
  - (d) Flashing Signs
  - (e) Off-site signs, (except as otherwise permitted in ordinance)
  - (f) Portable Signs (except as otherwise permitted in ordinance)
  - (g) Balloon and Inflatable Signs
  - (h) Projected Image Signs
  - (i) Signs that are obscene, contain curse words, are vulgar or graphic
  - (j) Handwritten permanent signs
  - (k) Signs not expressly permitted.
- (10) Exemptions: This section does not relate to building design, nor does it regulate the following:
- (a) Official traffic or governmental signs;
  - (b) Customary maintenance;
  - (c) Window displays;
  - (d) Product dispensers;
  - (e) Scoreboards on athletic fields;
  - (f) Sponsorship signs at athletic fields or other related venues.
  - (g) Flags of any nation or government;
  - (h) Commemorative signs, tablets, or plaques;
  - (i) Signs required to be maintained by law or governmental order, rule, or regulation;
  - (j) The display of street numbers;

(k) Signs or displays on service or delivery vehicles in their normal performance of businesses.

(11) To the extent that two or more provisions herein can be read to govern the size, quantity, location and/or restrictions of a sign and are in conflict, the provision that more specifically applies to the type and location of the sign shall govern. If two or more provisions equally apply to the type and location of a sign, the more restrictive provision shall apply.

D. Signs in RE, R1 – R7 Districts, general. The following signs are permitted on private property in the RE, R1, R2, R3, R5, and R7 zoning districts in the Town of Mount Airy any district according to the provision of this chapter:

- ~~(1) A personal service signs for a professional office or a home occupation; unlighted or indirectly lighted not to exceed two square feet in size.~~
- ~~(2) A farm sign, including farm produce stands, displaying the name of the owner, the nature of the farm and advertising only those products produced on the premises, not to exceed eight square feet in size in the RR Zone and two square feet in residential zones.~~
- ~~(3) A temporary real estate sign advertising sale or lease only of the premises on which such sign is displayed as follows:
  - ~~(a) Residential/other: six square feet maximum.~~
  - ~~(b) Commercial/industrial: 32 square feet maximum.~~
  - ~~(c) Temporary real estate sign, not exceeding 100 square feet in size, advertising the opening of a subdivision where such sign is located. Temporary shall be until construction is complete.~~
  - ~~(d) Permanent residential subdivision name signs not exceeding 64 square feet in size.~~
  - ~~(e) No permit is required for any of the above.~~~~
- ~~(4) A sign identifying a nonprofit organization and giving direction thereto, containing no commercial advertising, not exceeding 10 square feet in size.~~
- ~~(5) A temporary sign noting an event of general interest, such as a locally sponsored carnival, with a maximum sign size of 50 square feet per road frontage and not to exceed 100 square feet total on the premises. Such signs shall not be erected more than 30 days prior to and shall be removed within 10 days after the event.~~

- (6) ~~Banners, pennants, and other devices are prohibited except for the following:~~
- (a) ~~A temporary business sign identifying a special, unique, limited activity, service, product or sale of limited duration. Temporary business signs may be requested for permitting no more than three times in a year. Sign may be erected for a period of not to exceed 30 days.~~
  - (b) ~~Temporary event signs announcing a campaign, drive, activity or event of a civic, philanthropic, educational or religious organization for noncommercial purposes. The permitted number of temporary event signs shall be determined by the Zoning Administrator with consideration given to the public health and safety. Any temporary event sign which shall be allowed to extend over or onto a public right of way shall be erected and maintained in such a manner as not to interfere or obstruct access, activity or vision along any such public right of way. Temporary event signs may be erected for a period not to exceed 30 days.~~
- (7) ~~One bulletin board on church, school or college property, not over 32 square feet in area.~~
- (8) ~~Signs, directional, informational, or warning in character, involving neither advertising, nor real estate openings and each not exceeding six~~
- (9) ~~Political campaign signs or other signs containing political speech or expressing opinions on matters of public concern are permitted, provided that they are not placed in the public right of way. Political campaign signs or other signs containing political speech or expressing opinions on matters of public concern shall be permitted up to a total area of six square feet in a residential district and 32 square feet in a commercial or industrial district or on property in a residential district abutting a state road with a speed limit above 40 miles per hour where a commercial use is authorized by the Board of Appeals or otherwise by this Code. Placement of signs on property shall be at a location so as not to cause sight line or other similar hazards for motorists on adjacent public roads, and the Town's Zoning Administrator is empowered to direct that signs be relocated on property so as to avoid such hazards.~~
- (10) ~~Real estate/yard sale direction signs no larger than three square feet in area and three feet in height shall be permitted from 6:00 p.m. Friday to 8:00 a.m. Monday. This period will be extended to include legal holidays on Mondays or Fridays. Signs shall not be attached to utility poles, traffic control posts/signs, or traffic signal poles. Town staff is hereby authorized to remove any signs found to be in violation of this section, which signs~~

~~shall be destroyed if not retrieved within five days, subject to an appeal to the Mayor if filed in writing within said five-day period.~~

- (1) For properties within a residential zoning district used in part commercially pursuant to a special exception, while still being used as a residence with the exception of accessory or family apartments, or on property used as a boarding house or nonresident professional office, permanent unlighted or indirectly lighted signs not to exceed two square feet in size which are approved by the Planning Commission for design, size and location as a part of the site plan process.
- (2) Permanent signs approved by the Town Planning Commission as a part of the site plan process at or near the entrances of subdivisions, golf courses, public and private parks, playgrounds, recreational properties or facilities, cemeteries, nature study preserves and reservations, nursery schools, child-care centers, public utility buildings, veterinarian clinics, churches, schools, libraries, clubs or fraternal and service organizations, community centers, fire and rescue stations, public buildings, convalescent or nursing homes, and elderly housing that do not exceed 120 square feet in size. However, the Zoning Administrator shall have the discretion to reduce the square footage in consideration of neighboring aesthetics and health and safety.
- (3) Temporary signs approved by the Zoning Administrator displayed on a single residential lot that are no greater than six square feet in size.
- (4) Temporary signs approved by the Zoning Administrator displayed at the entrance of a subdivision that are no more than 100 square feet in size.
- (5) Temporary signs approved by the Zoning Administrator located on property at which an upcoming event is to take place no larger than 50 square feet.
- (6) A single Banner Sign approved by the Zoning Administrator, and for which a permit is issued, subject to the Special Provisions set forth below not to exceed 24 square feet.
- (7) A single flag not to exceed 3 feet by 5 feet approved by the Zoning Administrator, and for which a permit is issued, for display during operating hours.
- (8) Pennant/Streamers that are approved by the Zoning Administrator, and for which a permit is issued, no larger than 8 feet in length.
- (9) In addition to the signs prohibited in all zoning districts, Portable and Living or Human Signs are prohibited in residential districts.

E. Signs in Conservation Zone. The following signs are permitted on private property in the Conservation Zone in the Town of Mount Airy:

- (1) In addition to the signs permitted in Subsection C above, and the restrictions on such signs contained therein, a sign approved by the Zoning Administrator located in front of or at the entrance to a farm in the Conservation Zone is permitted up to but not exceeding 10 square feet.
- (2) Permanent signs approved by the Planning Commission as a part of the development plan approval process at or near the entrances to water supply works, flood control or watershed protection works, fish and game hatcheries and nature study preserves and reservations not to exceed 18 inches by 24 inches.

F. The following signs are permitted on private property in the commercial districts in the Town of Mount Airy: Business signs. Business signs calling attention to a business, service or industry conducted on the premises upon which the sign is located or in the case of a freestanding sign, which calls attention to a business, service or industry, or multiple businesses, services or industries conducted on the premises or within the Town limits are permitted subject to the following conditions:

- (1) The total area for all attached signs per use or business on the premise (commercial and industrial) shall not exceed one square foot of sign per building front foot or "frontage" per premise with a maximum size of 200 square feet (per individual sign) as provided below.

(a) Building Unit. A building unit is equivalent to the tenant space.

(b) Primary and Secondary Frontage. The frontage of any building unit shall include the elevation facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance to the building or building units.

[1] Definition.

"PRIMARY FRONTAGE" shall be defined as the linear distance along which a lot line adjoins a public street right-of-way. The "primary frontage" of a corner lot, or throughlot, is the street with the highest functional street classification or longest street frontage if functional street classification is the same. If the street is a frontage road, the functional classification of the road which the frontage road fronts shall be used to determine maximum sign face area.

[2] The primary frontage shall be considered the portion of any frontage containing the primary public entrance to the building or building units.

~~[3]—The secondary frontage shall include those frontages:~~

~~[a]—Containing secondary public entrances to the building or building units facing a public street or primary parking area that are not designated as the primary building frontage by Subsection B(1)(b)[1] and [2] above; or~~

~~[b]—The secondary frontage shall include those frontages facing a public street that are not designated as the primary building frontage by Subsection B(1)(b)[1] and [2] above.~~

~~[4]—Bonus secondary signage calculations. A principal building or building unit(s) with more than one frontage, such as a building located on a through lot or corner lot, shall be allowed to add to its signage calculations the secondary frontage equal to the signage allotment rate of the primary frontage. However, if secondary signage is used, this signage must be located and oriented toward the secondary frontage.~~

~~(2)—Identification sign for an industrial plant not to exceed 50 square feet.~~

~~(3)—An identification sign for a shopping center or industrial park or other integrated group of commercial/industrial buildings shall not exceed 150 square feet in area, and shall be subject to setback requirements for the district in which located.~~

~~(4)—A single freestanding sign which does not exceed 50 square feet per road frontage to a maximum of 150 square feet shall be permitted which calls attention to a business, service or industry conducted on the premises or within the Town limits, or in marquis style or that calls attention to multiple businesses, services or industries conducted within the Town limits.~~

~~(5)—Where commercially or industrially zoned property adjoins residentially zoned property, no freestanding sign shall be placed within 100 feet of the residentially zoned property.~~

~~(6)—Menu/reader boards may be permitted on a freestanding sign but will be included in total area allowed for a freestanding sign. Letters may be manually attached or electronically remote controlled. Periodic changes of messages are allowed, however, boards shall not have flashing, blinking, fading or moving messages of any type. Messages shall be limited to items pertaining to the business on the premises or public service notices.~~

~~(7)—Sidewalk sandwich signs are permitted; they must be displayed directly in front of the business and within 10 feet of the business; they will be no greater than three feet in height with a width not to exceed the greater of 1/2 of the sidewalk upon which they are displayed or three feet; they may~~

be displayed only during normal business hours and may not impede any safety issues. Notwithstanding anything to the contrary in the Zoning Regulations or the Town Code, in the event that there is a violation of this section, there will be a warning delivered to the business establishment being advertised and in the event of a second violation, it shall be lawful for the Town to confiscate the sign that was used in violation of this subsection, subject to an appeal to the Mayor filed in writing within five business days.

- (1) Permanent signs approved by the Planning Commission located or to be located on residences, or that portion of property on which a residence exists, that adhere to the requirements of, and restrictions set forth in, Subsection D above, except as set forth below with respect to Professional Office locations.
- (2) Permanent Marquis/Monument Signs that are approved by the Planning Commission as to design, size and location as a part of the site plan process that are located at or near the entrance to, or otherwise in front of, a Professional Office as follows:

  - (a) The total area for all attached signs per use or business on the premises shall not exceed one square foot per building front foot or frontage per premises with a maximum size of 200 square feet (per individual sign) as provided below:

    - (i) The frontage of any building unit shall include the elevation facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance to the building or building units.
    - (ii) A principal building or building unit(s) with more than one frontage, such as a building located on a through lot or corner lot, shall be allowed to add to its signage calculations the secondary frontage equal to the signage allotment rate of the primary frontage. However, if secondary signage is used, this signage must be located and oriented toward the secondary frontage.
- (3) Permanent Signs that are approved by the Planning Commission as to design, size and location as a part of the development plan approval process that are located at or near the entrance to, or otherwise in front of, individual Professional Offices that are no larger than 4 square feet.
- (4) Portable Signs that are approved by the Planning Commission as to design, size and placement and subject to the Special Provisions set forth below.

- (5) Permanent Signs, except Portable Signs, that are approved by the Planning Commission as to design, size and location located on property on which a business, service is, or multiple businesses or services are, conducted as follows:
- (a) The total area for all attached signs per use or business on the premises shall not exceed one square foot per building front foot or frontage per premises with a maximum size of 200 square feet (per individual sign) as provided below:
    - (i) The frontage of any building unit shall include the elevation facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance to the building or building units.
    - (ii) A principal building or building unit(s) with more than one frontage, such as a building located on a through lot or corner lot, shall be allowed to add to its signage calculations the secondary frontage equal to the signage allotment rate of the primary frontage. However, if secondary signage is used, this signage must be located and oriented toward the secondary frontage.
  - (b) A Permanent Sign approved by the Planning Commission as to size, design and location at or near the entrance to a shopping center or other integrated group of commercial buildings no larger than 150 square feet in area, which shall be subject to setback requirements for the district in which located.
  - (c) A single freestanding sign approved by the Planning Commission as to size, design and location which does not exceed 50 square feet per road frontage to a maximum of 150 square feet, except that where commercially zoned property adjoins residentially zoned property, no freestanding sign shall be placed within 100 feet of the residentially zoned property.
  - (d) Reader boards on a freestanding sign approved as to design, size and location by the Planning Commission subject to the Special Provisions below.
- (6) Permanent signs approved by the Town Planning Commission at or near the entrances of subdivisions, golf courses, public and private parks, playgrounds, recreational properties or facilities, cemeteries, nature study preserves and reservations, nursery schools, child-care centers, public utility buildings, veterinarian clinics, churches, schools, libraries, clubs or fraternal and service organizations, community centers, fire and rescue

stations, public buildings, convalescent or nursing homes, and elderly housing that are no more than 120 square feet in size.

- (7) Temporary signs approved by the Zoning Administrator displayed at the entrance of a subdivision not to exceed 100 square feet in size.
- (8) Temporary signs approved by the Zoning Administrator located on property at which an upcoming event, activity, service, product or sale of limited duration is to take place not to exceed 50 square feet.
- (9) Banner Signs approved by the Zoning Administrator, and a permit issued for each Banner Sign, but not to exceed 24 square feet and subject to the Special Provisions below.
- (10) Pole Banners approved by the Planning Commission as to size, design and location that are no greater than 10 square feet, with a limit of 2 banners per pole and which are at least 12 feet above grade. Pole banners may only be attached to parking lot light poles on private property with an approved site development plan detailing the location, size, and quantity of pole banner signage. Pole banners may have periodic changes in copy without submittal for an amended site development plan provided there is no change to the location, size or quantity of signage.
- (11) A single flag approved by the Zoning Administrator that are no larger than 3 feet by 5 feet.
- (12) Pennants/Streamers approved by the Zoning Administrator which shall count against and be a part of a total sign allocation of 50 square feet per road frontage not to exceed 150 square feet.
- (13) Living or Human Signs subject to the Special Provisions below.
- (14) Notwithstanding the other provisions of this Subsection, the following signs are not permitted in the Downtown Zone (DTZ) that front onto Main Street or Center Street:
  - (a) Living or Human Signs.
  - (b) Feather Banners.

G. The following signs are permitted on private property in the Industrial and Office Park Employment (OPE) zoning districts in the Town of Mount Airy:

- (1) Permanent Marquis/Monument Signs approved by the Planning Commission as a part of the development plan approval process that are

located at or near the entrance to an industrial plant not to exceed 50 square feet.

- (2) Permanent signs that are approved by the Planning Commission as to design, size and location as a part of the development plan approval process that are located at or near the entrance to, or otherwise in front of, individual Professional Offices that are no larger than 4 square feet.
- (3) Portable signs that are approved by the Planning Commission as to design, size and placement subject to the Special Provisions set forth below.
- (4) Permanent signs, except Portable Signs, that are approved by the Planning Commission as to design, size and location located on property on which is located a business, or service, or on which multiple businesses or services are conducted as follows:

  - (a) The total area for all attached signs per use or business on the premises shall not exceed one square foot per building front foot or frontage per premises with a maximum size of 200 square feet (per individual sign) as provided below:

    - (i) The frontage of any building unit shall include the elevation facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance to the building or building units.
    - (ii) A principal building or building unit(s) with more than one frontage, such as a building located on a through lot or corner lot, shall be allowed to add to its signage calculations the secondary frontage equal to the signage allotment rate of the primary frontage. However, if secondary signage is used, this signage must be located and oriented toward the secondary frontage.
  - (b) A Marquis/Monument Sign approved by the Planning Commission as to size, design and location at or near the entrance to an industrial park, or other integrated group of buildings, no larger than 150 square feet in area, which shall be subject to setback requirements for the district in which the property located.
  - (c) A single freestanding sign approved by the Zoning Administrator as to size, design and location which does not exceed 50 square feet per road frontage to a maximum of 150 square feet, except that where industrially or OPE zoned property adjoins residentially zoned property, no freestanding sign shall be placed within 100 feet of the residentially zoned property.

- (d) Reader boards may be permitted on a freestanding sign subject to the Special Provisions below.
- (5) Permanent signs approved by the Town Planning Commission at or near the entrances of subdivisions, golf courses, public and private parks, playgrounds, recreational properties or facilities, cemeteries, nature study preserves and reservations, nursery schools, child-care centers, public utility buildings, veterinarian clinics, churches, schools, libraries, clubs or fraternal and service organizations, community centers, fire and rescue stations, public buildings, convalescent or nursing homes, and elderly housing that are no more than 64 square feet in size. However, the Zoning Administrator shall have the discretion to reduce the square footage in consideration of neighboring aesthetics and health and safety.
- (6) Temporary signs approved by the Zoning Administrator displayed at the entrance of an industrial or office park that are no more than 100 square feet in size subject to the Special Provisions set forth below.
- (7) Temporary signs approved by the Zoning Administrator located on property at which an upcoming event, activity, service, product or sale of limited duration is to take place not to exceed 50 square feet subject to the Special Provisions set forth below.
- (8) Banner Signs approved by the Zoning Administrator, and for which a permit is issued, subject to the Special Provisions set forth below, not to exceed 24 square feet.
- (9) Pole Banners approved by the Planning Commission as to size, design and location that are no greater than 10 square feet, with a limit of 2 banners per pole and at least 12 feet above grade. Pole Banners may only be attached to interior parking lot light poles, without road frontage, on private property with an approved site development plan detailing the location, size, and quantity of Pole Banner signage. Pole Banners may have periodic changes in copy without submittal for an amended site development plan provided there is no change to the location, size or quantity of signage.
- (10) A single flag approved by the Zoning Administrator that are no larger than 3 feet by 5 feet.
- (11) Pennants/Streamers approved by the Zoning Administrator which shall count against and be a part of a total sign allocation of 50 square feet per road frontage not to exceed 150 square feet.
- (12) Living or Human Signs approved by the Zoning Administrator subject to the Special Provisions below.

H. Special provisions for Temporary Signs.

- (1) Temporary signs shall not be placed more than 30 days before any construction, event, activity, service, product or sale of limited duration described in the sign.
- (2) Temporary signs shall be taken down and removed the later of:
  - (a) Within seven (7) days after the conclusion of the construction, event, activity, service, product or sale of limited duration that is the subject matter of the sign; or
  - (b) Within thirty days after the sign was placed.
- (3) Temporary signs in the same location concerning an event, activity, service, product or sale of limited duration on the premises may not be posted more than three times per year.
- (4) Sign text and graphics are to be pre-printed on weather resistant material, the size of which shall not exceed 2 feet x 3 feet, and Temporary Signs shall not be posted on utility poles, traffic control devices or signs or existing signs or structures.

I. Special Provisions for Banner Signs.

- (1) Banner Signs may be attached to buildings, fences, structures, or mounted on stakes in the ground.
- (2) One Banner Sign shall be permitted per property or business.

J. Special provisions for Feather Flag Signs.

- (1) Feather Flag Signs shall be no greater than 3.5 feet in width (at the widest point) and up to 12 feet in height. The height shall be measured at grade and include the full length of the supporting pole.
- (2) The number of Feather Flag Signs is limited to one (1) every fifty (50) linear feet of road frontage, but shall be subject to the discretion of the Zoning Administrator as to aesthetics and health and safety.
- (3) A maximum of four (4) signs per road frontage shall be permitted.

K. Special provisions for Living or Human Signs.

- (1) Living or Human Signs require a permit issued by the Zoning Administrator.

- (2) Living or Human Signs are restricted to the property of the business that is being advertised or within six (6) feet of the right-of-way immediately adjacent to the property of the business that is being advertised. The Human Sign shall not be permitted off site or within the right-of-way immediately adjacent to the property.
- (3) Living or Human Signs are restricted to a maximum of two (2) times per calendar year for no more than two (2) consecutive days.
- (4) Permits must be issued at least seven (7) days in advance of the days in which the Human Sign will be used.
- (5) The sign area shall not exceed three (3) square feet in size.

L. Special provisions for Portable Signs.

- (1) Portable Signs shall be no greater than three feet in height with a width not to exceed the greater of 1/2 of the sidewalk upon which they are displayed or three feet.
- (2) Portable Signs must be displayed directly in front of the business and within 10 feet of the business.
- (3) Portable Signs must be set back at least 2 feet from the road or property line, except that where the property adjoins a residential zone, no Portable Signs shall be placed within 100 feet of residentially zoned property.
- (4) Portable Signs may be displayed only during normal business hours and may not impede foot traffic or create any safety issues.

M. Special provisions related to Reader Boards on freestanding signs.

- (1) Reader Boards will be included in total area allowed for a freestanding sign.
- (2) Letters may be manually attached or electronically remote controlled.
- (3) Periodic changes of messages are allowed, however, boards shall not have flashing, blinking, fading or moving messages of any type.

N. Off premises commercial signs.

- (1) Signs advertising a commercial business, service or product not located on the same physical site as the business are prohibited except the following signs that otherwise comply with the requirements of this Section:

- (a) A contractor may post a sign advertising his/her/its services at a location where the contractor is performing work for so long as the work is in progress, not to exceed 6 continuous months. The Zoning Administrator may approve one additional extension of no more than 6 months.
- (b) A realtor may post the following signs, without any balloons attached:
  - (i) No more than two temporary signs, limited to one on each road on which the property fronts, advertising the realtor's services at a location where the realtor holds a listing for real property, from the date that the realtor first lists the property until the listing expires or is terminated or until closing on the sale is completed, whichever shall first occur;
  - (ii) No more than two directional signs directing the public to the property listed at each of the nearest intersections on each side of the property, from the date that the realtor first lists the property until the listing expires or is terminated or until closing on the sale is completed, whichever shall first occur; and
  - (iii) No more than a total of two open house signs for any property that the realtor lists at each of the nearest intersections on each side of the property, starting one business day before the open house begins and until the open house concludes.
- (c) A sign that advertises a charitable, Town or community event or fundraiser that lists or displays the logo or other trademark of the commercial business as a sponsor or other contributor to the event.
- (d) Signs on vehicles indicating the name of a business, when the vehicle remains stationary off premises and for display of such a sign.
- (e) Temporary Signs not otherwise prohibited by this Section to be placed in a commercial district, other than the Downtown Zone, or in the Industrial or Office Park Employment District, that the Zoning Administrator approves as to size, quantity, location, design and duration taking into consideration the following factors:
  - (i) Aesthetics;

- (ii) Safety;
- (iii) Whether the property location where the commercial activity to be advertised off-premises should be sufficient to advertise the commercial activity compared to whether the temporary off-premises commercial sign would uniquely promote the commercial activity; and
- (iv) Whether the proposed off-premises advertisement is connected to a specific commercial event such as a sale.

O. In evaluating the location and design of proposed sign, the following may be considered by the Town:

- (1) Safety, including site lines for motor vehicles.
- (2) Whether a proposed sign unduly impairs the visibility of lawful signs on neighboring properties.
- (3) Whether the proposed location and design are aesthetically and architecturally consistent with neighboring properties, the historic area if applicable, the zoning district in which it is to be located, the architecture of the improvements located, or proposed to be located, on the property, and the Town's design guidelines.

P. Sign approvals.

- (1) Except where otherwise indicated above, and except where a sign is a part of a site or subdivision plan under consideration by the Planning Commission, all permanent signs must be approved, and a permit must be issued, by the Zoning Administrator.
- (2) All signs other than those that the Planning Commission approves as a part of the site plan process must be approved, and a permit must be issued, by the Zoning Administrator.
- (3) With respect to any sign that the Planning Commission must approve under this Section, the Planning Commission may delegate to the Zoning Administrator its authority to approve and issue a permit for the sign.
- (4) With respect to any sign that the Zoning Administrator must approve under this Section, the Zoning Administrator may refer the matter to the Planning Commission for review and a recommendation.

Q. The Planning Commission may grant a variation, in the case of a Permanent Sign, and the Zoning Administer may grant a variation, in the case of Temporary Signs,

as to an applicable size or quantity per property or business restriction if the Commission or Administrator finds by a preponderance of the evidence that:

- (1) That denial of a variation will result in hardship based upon some unique configuration or other characteristic of the property;
- (2) That granting the variation will promote commercial business and will be beneficial to the Town;
- (3) That granting the variation will not impair sight lines, create an undue distraction to passing motorists traveling at the speed limit, bicyclists or pedestrians, or will otherwise adversely impact safety; and
- (4) That granting the variation will not unduly impair the view of other lawful signs on neighboring properties by passing motorists traveling at the speed limit, bicyclists or pedestrians.

R. The Board of Appeals is authorized to condition the grant of any special exception upon signage that is compliant with this Section.

S. Removal of non-compliant signs. Signs that do not comply with the provisions of this Section may be removed pursuant to the provisions of Chapter 92, in addition to being subject to citation for municipal infraction pursuant to Section 112-22A and any other remedies available to the Town under applicable law.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that this Ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_, 2019.

Introduced this \_\_\_\_ day of \_\_\_\_\_, 2019.

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2019 by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

ATTEST:

\_\_\_\_\_  
Jason Poirier, Secretary

\_\_\_\_\_  
Larry Hushour,  
President of the Town Council

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

\_\_\_\_\_  
Jason Poirier, Secretary

\_\_\_\_\_  
Patrick T. Rockinberg,  
Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Thomas V. McCarron, Town Attorney

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